

**SEVENTY-FIRST DAY**  
(Thursday, May 19, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Bob Kash, University Presbyterian Church, Austin, Texas, offered the invocation as follows:

O God, Father of us all, we pray Your merciful favor upon these Your servants, whom You have called to be artisans of the possible. Guide them, we pray, as they near the beginning of the end of another Session of this Legislature, that they may find ways among the several competing demands facing them, so that there may be a measure of good health in our body politic. Keep these Senators safe from the despair which lurks in the shadows of past failures, chatters its deceptions in present vanities, glitters its misleadings in hopes too small for human hearts. Call out of them better than their weaknesses have led them to expect, better than present satisfactions and contentments allow, better than narrow parochial hopes will envision.

Grant them each courage to face today's compromises and give them the confidence that comes of knowing that each day their lives can be new because You are merciful and intend good for all of us, each of us. We make this prayer in Christ's Name. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**REPORTS OF STANDING COMMITTEES**

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

**H.B. 1023** (Amended) (Ordered not printed)  
**H.B. 344** (Ordered not printed)  
**H.B. 506** (Ordered not printed)  
**H.B. 1152** (Ordered not printed)  
**H.B. 1424** (Amended) (Ordered not printed)  
**H.B. 2104** (Ordered not printed)  
**H.B. 2217** (Ordered not printed)  
**H.B. 1972** (Ordered not printed)  
**H.B. 432** (Ordered not printed)  
**H.B. 1519** (Amended) (Ordered not printed)  
**H.B. 809**  
**H.B. 409** (Amended)

Senator Moore submitted the following report for the Committee on State Affairs:

H.B. 916  
H.B. 1688 (Ordered not printed)  
H.B. 625 (Ordered not printed)  
H.B. 1026 (Ordered not printed)  
H.B. 1184 (Ordered not printed)  
H.B. 899 (Ordered not printed)  
H.B. 2079 (Ordered not printed)  
H.B. 2080 (Ordered not printed)  
H.B. 940 (Ordered not printed)  
H.B. 901 (Ordered not printed)  
H.B. 1836 (Ordered not printed)  
H.B. 2115 (Ordered not printed)  
H.B. 364 (Ordered not printed)  
H.B. 1121 (Ordered not printed)  
C.S.S.B. 751 (Read first time) (Ordered not printed)  
C.S.H.B. 1808 (Read first time) (Ordered not printed)  
C.S.H.B. 612 (Read first time)

Senator Sherman submitted the following report for the Committee on Natural Resources:

H.B. 126  
H.B. 467  
H.B. 669  
H.B. 975  
H.B. 1150  
H.B. 1194 (Amended)  
S.B. 1321  
S.B. 1329  
H.B. 1399  
C.S.H.B. 1560 (Read first time)  
C.S.H.B. 1602 (Read first time)  
C.S.H.B. 1745 (Read first time)  
H.B. 1760  
H.B. 1898 (Amended)  
C.S.H.B. 2129 (Read first time)  
H.B. 2136  
H.B. 2151  
H.B. 2153  
H.B. 2184  
H.B. 2187  
H.B. 2202  
H.B. 2206  
H.B. 2212

Senator Creighton submitted the following report for the Committee on Economic Development:

H.B. 1860 (Amended)  
H.B. 1852  
H.B. 1850  
H.B. 1849

H.B. 1491  
H.B. 1442  
H.B. 1441  
H.B. 1128

#### BILLS ORDERED NOT PRINTED

On motion of Senator Sherman and by unanimous consent, the following bills were ordered not printed:

H.B. 126	H.B. 1898
H.B. 467	C.S.H.B.2129 (Read first time)
H.B. 669	H.B. 2136
H.B. 975	H.B. 2151
H.B. 1150	H.B. 2153
H.B. 1194	H.B. 2184
S.B. 1321	H.B. 2187
S.B. 1329	H.B. 2202
H.B. 1399	H.B. 2206
H.B. 2212	C.S.H.B.1602 (Read first time)
H.B. 1760	

#### BILLS ORDERED NOT PRINTED

On motion of Senator Moore and by unanimous consent, the following bills were ordered not printed:

C.S.S.B. 751  
C.S.H.B. 1808 (Read first time)  
H.B. 1688  
H.B. 625  
H.B. 1026  
H.B. 1184  
H.B. 899  
H.B. 2079  
H.B. 2080  
H.B. 940  
H.B. 901  
H.B. 1836  
H.B. 2115  
H.B. 364  
H.B. 1121

#### BILLS ORDERED NOT PRINTED

On motion of Senator Creighton and by unanimous consent, the following bills were ordered not printed:

H.B. 1860  
H.B. 1491  
H.B. 1128

**BILLS ORDERED NOT PRINTED**

On motion of Senator Snelson and by unanimous consent, the following bills were ordered not printed:

H.B. 1023  
H.B. 344  
H.B. 506  
H.B. 1152  
H.B. 1424  
H.B. 2104  
H.B. 2217  
H.B. 1972  
H.B. 432  
H.B. 1519

## BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S.C.R. 102  
S.B. 432  
S.B. 499

## NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 12:30 o'clock p.m. tomorrow.

## SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

**S.B. 1332 by Ogg** Intergovernmental Relations  
Relating to the payment of jurors.

## HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 88, To Committee on State Affairs.  
H.B. 799, To Committee on Education.  
H.B. 1403, To Committee on Jurisprudence.  
H.B. 1076, To Committee on Economic Development.  
H.B. 586, To Committee on Jurisprudence.  
H.B. 580, To Committee on Intergovernmental Relations.  
H.B. 663, To Committee on Jurisprudence.  
H.B. 664, To Committee on Jurisprudence.  
H.B. 545, To Committee on Jurisprudence.  
H.B. 837, To Committee on State Affairs.

**H.B. 1584**, To Committee on Jurisprudence.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 19, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House Concurred in Senate amendments to House Bill No. 1773 by NON Record Vote.

**H.B. 110**, A bill to be entitled An Act relating to the voting residence of students; amending Subsection (k), Section 40, Texas Election Code, as amended (Article 5.08, Vernon's Texas Election Code).

**H.B. 661**, A bill to be entitled An Act relating to dissolution of rural fire prevention districts; amending Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), by adding Sections 19, 20, 21, and 22.

**H.B. 942**, A bill to be entitled An Act relating to the salary of the stenographer of the district attorney of the 69th Judicial District; amending Section 3, Chapter 449, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 326k-66, Vernon's Texas Civil Statutes).

**H.B. 1330**, A bill to be entitled An Act relating to exemption from taxation of property owned by nonprofit corporations and used for purposes of education or research; amending Article 7150, Revised Civil Statutes of Texas, 1925, as amended, by adding Section 29.

**H.B. 1355**, A bill to be entitled An Act relating to the membership of the Courts of Civil Appeals and the authority to sit in panels and to sit in other Courts of Civil Appeals; amending Article 1812, Revised Civil Statutes of Texas, 1925.

**H.B. 1562**, A bill to be entitled An Act relating to locations for conducting absentee voting in certain elections in counties with a population in excess of 1,500,000; amending Paragraphs (a) and (b), Subdivision 14a, Section 37, Texas Election Code (Article 5.05, Vernon's Texas Election Code).

**H.B. 1700**, A bill to be entitled An Act establishing the Texas Election Code Revision Commission to revise and recodify the Election Code and making an appropriation to finance the operations of the commission.

**H.B. 1776**, A bill to be entitled An Act relating to regulation of the method of dispensing ice to the public on a self-service basis; establishing approved methods of dispensing ice on a self-service basis; providing a penalty; and declaring an emergency.

**H.B. 1813**, A bill to be entitled An Act relating to the assessment, collection, and equalization of ad valorem taxes of municipalities and districts by other municipalities or districts; amending Section 1, Chapter 351, Acts of the 49th Legislature, 1945, as amended (Article 1066b, Vernon's Texas Civil Statutes); validating actions taken under those provisions; and declaring an emergency.

**H.B. 2234**, A bill to be entitled An Act relating to the dissolution of the Pond Creek Watershed Authority; amending Chapter 279, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 8280-202, Vernon's Texas Civil Statutes), by adding Section 14A.

**H.B. 2235**, A bill to be entitled An Act relating to annexation, bonds, and acquisition of water by the Bell County Water Control and Improvement District No. 1; amending Section 4, Chapter 523, Acts of the 54th Legislature, 1955 (Article 8280-189, Vernon's Texas Civil Statutes), and adding Sections 4A, 4B, and 4C.

**H.B. 2210**, relating to selection of directors in certain consolidated water control and improvement districts; amending Section 51.734, Water Code, by adding Subsection (f).

**H.B. 2209**, A bill to be entitled An Act relating to the gaming laws of Upshur County; amending Subsections (a) and (e) of Section 330.021, Subsections (b) and (c) of Section 330.022, and Subsections (a) and (b) of Section 330.031, Parks and Wildlife Code, 1975, as amended; and declaring an emergency.

**H.B. 1505**, A bill to be entitled An Act relating to county authority to establish and operate a water supply or sewage system.

**H.B. 1833**, A bill to be entitled An Act relating to maintenance and inspection of records of absentee voters and the applications for absentee ballots and accompanying papers; containing a criminal penalty; amending paragraph (d) of Subdivision 2a, Subdivision 11, paragraph (c) of Subdivision 14, and paragraph (d) of Subdivision 14a, Section 37, and Subdivision 1, Section 37d, Texas Election Code, as amended (Articles 5.05 and 5.05d, Vernon's Texas Election Code); and repealing paragraph (c) of Subdivision 14a, Section 37, Texas Election Code (Article 5.05, Vernon's Texas Election Code).

**H.B. 1886**, A bill to be entitled An Act relating to self-insurance by certain banks.

**H.B. 1908**, A bill to be entitled An Act relating to the conduct of joint elections; amending Section 6, Chapter 171, Acts of the 50th Legislature, Regular Session, 1947, as amended (Section 1, Chapter 211, Acts of the 63rd Legislature, Regular Session, 1973); and declaring an emergency.

**H.B. 2068**, A bill to be entitled An Act relating to the auditing of records and accounts of all cities, towns, and villages in this state, and the preparation and filing of financial statements; declaring such financial statements to be a public record; amending Article 1001, Revised Civil Statutes of Texas, 1925, relating to the duties of the city treasurer in general law cities, to delete the requirement for the semiannual statement; repealing Articles 1022 and 1023, Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency.

**H.B. 2105**, A bill to be entitled An Act relating to the administration of this state's responsibility under federal economic opportunity programs; amending Section 4, Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(201), Vernon's Texas Civil Statutes).

**H.B. 2248**, A bill to be entitled An Act relating to the validation of certain governmental acts and proceedings by municipalities, counties, and independent school districts regarding paving contracts.

**H.C.R. 27**, requesting Public Utilities Commission to study alternatives to present rate structure.

**H.C.R. 102**, memorializing Congress to mandate oil and gas exploration throughout 50 states and territorial waters.

**H.C.R. 116**, commending former Representative Richard F. Reynolds on service to state.

**H.C.R. 130**, congratulating Texas Southern University on establishing Barbara Jordan Invitational Forensic Tournament.

**H.C.R. 145**, Designating June 10 "Texas Food Day."

**H.B. 1488**, A bill to be entitled An Act relating to a court administrator system for county courts at law in certain counties.

**H.B. 537**, A bill to be entitled An Act relating to the prohibition of discrimination by certain alcoholic beverage licensees and permittees; adding Section 2a to Article I, Texas Liquor Control Act, as amended (Article 666-1, et seq., Vernon's Texas Penal Auxiliary Laws).

**H.B. 1599**, A bill to be entitled An Act relating to the slaughter and sale of stolen horses; providing a penalty; and amending Subsection (c), Section 1, Article 6908e, Revised Civil Statutes of Texas, 1925, as amended.

**H.B. 1739**, A bill to be entitled An Act relating to the removal of vehicles from parking lots; amending Chapter 536, Acts of the 61st Legislature, Regular Session, 1969 (Article 1015m, Vernon's Texas Civil Statutes).

**H.B. 1400**, A bill to be entitled An Act relating to the provision and use of natural gas for certain agricultural purposes.

**H.B. 1826**, A bill to be entitled An Act relating to the increase of examination fees of perpetual care cemeteries; amending Section 31, Chapter 340, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 912a-31, Vernon's Texas Civil Statutes); and declaring an emergency.

**H.B. 2166**, A bill to be entitled An Act relating to the establishment, jurisdiction, administration, and procedures of municipal courts in the city of El Paso.

**H.B. 2172**, A bill to be entitled An Act relating to renewal fees for licenses issued by, and per diems for members of, the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; amending Sections 12(f) and 13(a), Chapter

366, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4566-1.01 et seq., Vernon's Texas Civil Statutes).

**H.B. 2195**, A bill to be entitled An Act relating to the County Court at Law of Victoria County; amending Subsection (d), Section 4, Chapter 183, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970-356, Vernon's Texas Civil Statutes); and amending Subsection (b), Section 5, Chapter 183, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970-356, Vernon's Texas Civil Statutes).

**H.B. 2218**, A bill to be entitled An Act relating to an archery season in Morris County; amending Chapter 272, Parks and Wildlife Code, 1975, as amended; by adding Section 272.017; and declaring an emergency.

**H.B. 2219**, Extending regulatory authority of Parks and Wildlife Department in Kendall County until 1983.

**H.B. 2225**, A bill to be entitled An Act providing that the general law archery season is applicable in Leon County; amending Section 62.051, Parks and Wildlife Code.

**H.B. 2173**, relating to the election of the board of directors of the Menard County Hospital District; amending Section 5(f), Chapter 665, Acts of the 64th Legislature, 1975.

**S.B. 39**, failed passage on second reading by vote of 70 ayes, 71 noes, 1 present-not voting.

**S.B. 1189**, An Act relating to an employment program for certain welfare recipients; amending The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), by adding Section 19-B. (With amendment)

**H.C.R. 127**, commending Kiwanis International and designating June 26-29, 1977, as "Kiwanis Convention Time in Texas."

**S.B. 632**, An Act relating to elections prior to issuance of certain weather modification permits and providing penalties and damages for certain acts; amending Section 14.061 (a) of and adding Sections 14.0641, 14.0911, and 14.1111 to the Water Code, as amended. (With amendment)

**S.B. 113**, An Act creating a Prosecuting Attorneys Council; providing for membership, duties, and powers; providing for the censure and removal of prosecuting attorneys for misconduct. (With amendments)

**S.B. 1168**, An Act relating to regulation of auctions; providing penalties; amending Sections 1-11, Chapter 320, Acts of the 64th Legislature, 1975 (Article 8700, Vernon's Texas Civil Statutes). (With amendment)

All necessary rules suspended, and the House Concurred in Senate amendments to H.B. No. 1453 by non record vote.

All necessary rules suspended, and the House Concurred in Senate amendments to H.B. No. 300 by Non Record vote.



S.B. No. 1225, An Act authorizing the Texas Board of Corrections to construct a medical facility on the campus of the University of Texas Medical Branch at Galveston; providing for the operation and maintenance of the facility pursuant to an interagency cooperation contract; providing for the construction of the facility.

H.C.R. No. 170, Wishing Dick Strader a speedy recovery.

S.B. 411, An Act relating to the creation of a fire fighter's relief and retirement fund; providing for the administration of the fund and the distribution of benefits; setting solvency and disclosure requirements for all fire fighter's pension plans; and providing civil penalties. (With amendment)

S.B. 475, Relating to the maximum permissible interest rate which may be charged by certain registered securities brokers or dealers for carrying a debit balance in an account for a customer under certain circumstances; amending Chapter 1, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Articles 5069-1.01, et seq., Vernon's Texas Civil Statutes), by adding Article 1.08; and declaring an emergency.

S.B. 635, Relating to the powers and duties of municipalities with respect to tax increment financing; authorizing the use of tax increment financing for the redevelopment of blighted commercial areas; declaring the objectives of certain activities undertaken in conjunction with the redevelopment of commercial areas to be public purposes; providing procedures for the implementation of redevelopment programs; authorizing municipalities to issue tax increment bonds to finance redevelopment programs; providing severability; and declaring an emergency.

S.B. 998, Relating to loan fees and interest collected by banks in connection with certain loans; amending Article 8, Subchapter V, The Texas Banking Code of 1943 (Article 342-508, Vernon's Texas Civil Statutes).

Respectfully submitted,  
BETTY MURRAY, Chief Clerk  
House of Representatives

### SENATE RESOLUTION 708

Senator Moore offered the following resolution:

WHEREAS, Miss Kim Tomes of Texas A&M University may very well have established a new Aggie legend when she exclaimed immediately after being crowned Miss USA to represent this country in the Miss Universe Pageant: "What a shocker! I can't believe it! The first Aggie to be Miss USA!"; and

WHEREAS, Miss Tomes, a senior health and physical education major at A&M, has brought national recognition to the coeducational policy at A&M since it was initiated; and

WHEREAS, in the true spirit of Aggieland, Miss Tomes, a 21-year-old blue-eyed blonde is already on the road scouting out the opposition she may be up against in the Miss Universe contest in the Dominican Republic July 16, traveling first to Acapulco to observe the Miss Mexico Pageant and then plans a trip to New York to look over the Miss Phillipines Pageant; and

WHEREAS, Miss Tomes intends to pursue her education at Texas A&M after a busy summer under a contract for personal appearances in addition to her beauty

contestant commitments is considering a career in modeling but only after graduating from college, and she has not yet given up plans to teach physical education; and

WHEREAS, Miss Tomes is a native of Chicago but her parents, Mr. and Mrs. W. A. Tomes now live in Houston, which was one of the reasons leading their daughter to enroll at Texas A&M where she is now one of the outstanding campus celebrities; and

WHEREAS, She has represented the State of Texas and Texas A&M University exceptionally well during a special tour of American cities under the auspices of Dillard Department Stores, Inc.; and

WHEREAS, Miss Tomes won the title of Miss USA at Charleston, S.C. over a field of 51 contestants from each state and the District of Columbia; now therefore be it

RESOLVED, that the Senate of the 65th Regular Session of the Texas Legislature extend its most sincere congratulations to Miss Tomes for her victory as Miss USA and wishes her every success in pursuit of the crown of Miss Universe.

The resolution was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

#### **HOUSE CONCURRENT RESOLUTION 170 ON SECOND READING**

The President laid before the Senate the following resolution:

**H.C.R. 170**, Wishing Dick Strader a speedy recovery.

The resolution was read.

On motion of Senator Adams and by unanimous consent, the resolution was considered immediately and was adopted.

#### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
May 19, 1977

**TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the CREDIT UNION COMMISSION: For a six-year term to expire February 15, 1983: Mr. Charles A. Hallmark of Houston, Harris County is replacing Mr. Wade Choate of Webb Air Force Base, Texas whose term expired; Mr. Jimmy R. Williams of San Antonio, Bexar County is being reappointed.

To be a Member of the Board of Regents of NORTH TEXAS STATE UNIVERSITY: For a six-year term to expire May 22, 1983: Mr. Bill Wallace Jamar, Jr., of Brownwood, Brown County is being reappointed; Mr. Edwin Bruce Street, Sr., of Graham, Young County is being reappointed; Mr. A. M. (Monk) Willis, Jr., of Longview, Gregg County is being reappointed.

To be a member of the Board of Directors of TEXAS A&I UNIVERSITY: For a six-year term to expire August 31, 1981: Mr. Rudolph Garza, Jr., of Corpus Christi, Nueces County is replacing Mr. Laurence A. McNeil of Corpus Christi, Nueces County whose term expired.

To be a Member of the Board of Directors of the NUECES RIVER AUTHORITY: For a six-year term to expire February 1, 1983: Mr. Vernon G. Schimmel of Sandia, Nueces County is being reappointed; Mr. William R. Edwards of Corpus Christi, Nueces County is replacing Mr. Hayden Head of Corpus Christi, Nueces County whose term expired.

Respectfully submitted,  
DOLPH BRISCOE  
Governor of Texas

#### SENATE BILL 896 WITH HOUSE AMENDMENT

Senator Jones of Taylor called **S.B. 896** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### Committee Amendment No. 1

Substitute the following for S.B. No. 896

#### A BILL TO BE ENTITLED

#### AN ACT

relating to unemployment compensation; amending the Texas Unemployment Compensation Act, as amended, to conform to the provisions of Public Law 94-566, as follows: amending Sections 3(b), (e), and (f) (Article 5221b-1, Vernon's Texas Civil Statutes), 4 (Article 5221b-2), 5 (Article 5221b-3), 6(b) and (f) (Article 5221b-4), 6-A(a)(2), (3), (5), and (10) (Article 5221b-4a), 7(c)(2)(B) and (c)(5) (Article 5221b-5), 7-A(i) and (j) (Article 5221b-5a), 8(b)(2), (3), and (4) (Article 5221b-6), 8(c)(1) (Article 5221b-6), 19(d) and (f) (Article 5221b-17), 19(g)(3)(D) and (F) (Article 5221b-17), 19(g)(5) (Article 5221b-17), and 19(k) and (n) (Article 5221b-17); adding Subsections (g), (h), and (i) to Section 3 (Article 5221b-1), Subsection (c) to Section 4-A (Article 5221b-2a), Subdivision (6) to Section 6-A(g) (Article 5221b-4a), Subsection (m) to Section 7-A (Article 5221b-5a), and Section 7-B; repealing Sections 6-A(h) (Article 5221b-4a), 7(e) (Article 5221b-5), and 19(q) (Article 5221b-17); providing for effective dates for provisions of this Act; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. Subsections (b), (e), and (f), Section 3, Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), are amended to read as follows:

"(b) **Benefit Amount for Total Unemployment:** Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-fifth (1/25) of his wages received from employment by employers during that quarter in his base period in which wages were highest, provided that:

"(1) If such rate is not an even multiple of One Dollar (\$1), it shall be adjusted to the next higher multiple of One Dollar (\$1); and

"(2) Such rate shall not be more than Eighty-four Dollars (\$84) ~~[Sixty-three Dollars (\$63)]~~ per benefit period nor less than Fifteen Dollars (\$15) per benefit period on valid initial claims filed on or after October 1, 1977; provided that if the annual average of the manufacturing production workers average weekly wage in Texas exceeds by Ten Dollars (\$10) the average weekly wage for those workers in 1976 as determined by the Texas Employment Commission and published in its report, 'The Average Weekly Wage,' the maximum weekly benefit amount shall be increased by Seven Dollars (\$7) and the minimum weekly benefit amount shall be increased by One Dollar (\$1) above the maximum and minimum amounts established herein, the increases to become effective on valid initial claims filed on or after October 1 following publication of 'The Average Weekly Wage' report. Thereafter, each cumulative (additional) Ten Dollar (\$10) increase in the average weekly wage for manufacturing production workers in Texas, as annually determined and reported by the Texas Employment Commission, shall cumulatively increase the maximum weekly benefit amount by an additional Seven Dollars (\$7) and the minimum weekly benefit amount by an additional One Dollar (\$1) beginning with the next October 1 following publication of 'The Average Weekly Wage' report. The maximum benefit amount payable per benefit period under this section to any individual on the effective date of a valid claim shall remain the maximum benefit amount payable to that individual until that individual establishes a new benefit year."

"(c) **Benefit Wage Credits:** 'Benefit wage credits' means those wages as defined in this subsection of the Act, which are used in determining an individual's right to benefits. 'Wages' as used in this Section shall be as defined in subsection (n) of Section 19 of this Act, except that the six-thousand-dollar ~~[four-thousand-two hundred dollar]~~ limitation on wages as set out in subsection (n) (1) of Section 19 shall not be applicable for the purposes of this Section 3 ~~[to remuneration received after December 31, 1971]~~; provided that, for the purposes of this Section 3, wages received by an individual in any calendar year ~~[after December 31, 1967,]~~ shall include all remuneration from each employer for employment up to the maximum amount of wages as defined in the Federal Insurance Contributions Act (Section 3121, Chapter 21, Subtitle C, Internal Revenue Code of 1954), as amended, or as it may hereafter be amended; and provided further, that wages which have been used to qualify an individual for regular benefits under this Act or under any other unemployment compensation law shall not be used again to qualify such individual for regular benefits.

"If an employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of the best information which has been obtained by the Commission.

"(f) **Equal Treatment:** Benefits based on services for all employers in employment defined in subsection 19(f) shall be payable in the same amount, on the same terms, and subject to the same conditions; except that:

"(1) with respect to services in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be payable based on those services for any week commencing during the period between two (2) successive academic years or terms (or, when an agreement provides instead for a

similar period between two (2) regular but not successive terms, during that period) to any individual if the individual performs those services in the first of the academic years (or terms) and if there is a contract or reasonable assurance that the individual will perform services in that capacity for any educational institution in the second of the academic years (or terms);

“(2) with respect to services in any other capacity for an educational institution (other than an institution of higher education), benefits shall not be payable on the basis of those services to any individual for any week which commences during a period between two (2) successive academic years or terms if the individual performs those services in the first of the academic years or terms and there is a reasonable assurance that the individual will perform those services in the second of the academic years or terms; and

“(3) with respect to any services described in Paragraphs (1) and (2), benefits shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess [provided that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education or in a public school shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education or for any public school for both such academic years or both such terms].”

Sec. 2. Section 3, Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), is amended by adding Subsections (g), (h), and (i) to read as follows:

“(g) Athletes: Benefits shall not be payable to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two (2) successive sport seasons (or similar periods) if the individual performed those services in the first of the seasons (or similar periods) and there is a reasonable assurance that the individual will perform those services in the later of the seasons (or similar periods).

“(h) Aliens: Benefits shall not be payable on the basis of services performed by an alien unless the alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7) or Section 212(d)(5) of the Immigration and Nationality Act), provided that:

“(1) any data or information required of individuals applying for benefits to determine whether or not benefits are payable to them because of their alien status shall be uniformly required from all applicants for benefits; and

“(2) in the case of an individual whose application for benefits would otherwise be approved, no determination that benefits are not payable to that individual because of his alien status may be made except on a preponderance of the evidence.

“Provided that any modifications to the provisions of Section 3304(a)(14) of the Federal Unemployment Tax Act as provided by Public Law 94-566 which specify

other conditions or other effective date for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act shall be considered applicable under the provisions of this Section.

“(i) **Previously Uncovered Services:** With respect to weeks of unemployment beginning after December 31, 1977, benefit wage credits shall include wages for previously uncovered services, provided that benefit payments based on those services are reimbursable from the federal government in accordance with provisions of Public Law 94-566 and provided that no employer's account shall be charged with payments based on those benefit wage credits either as chargebacks or reimbursements. For the purpose of this subsection, the term ‘previously uncovered services’ means services which were not employment and which were not services for an employer under any provision of this Act at any time during the one-year period ending December 31, 1975, and which constitute employment and services for an employer after December 31, 1977, in accordance with the provisions of Section 19 of this Act as services in agricultural labor, domestic services, services for a governmental employer, or services for a nonprofit educational institution which is not an institution of higher education, except to the extent that assistance under Title II of the federal Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of those services.”

Sec. 3. Section 4, Texas Unemployment Compensation Act, as amended (Article 5221b-2, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 4. **BENEFIT ELIGIBILITY CONDITIONS.** An unemployed individual shall be eligible to receive benefits with respect to any benefit period only if the Commission finds that:

“(a) He has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulations as the Commission may prescribe;

“(b) He has made a claim for benefits in accordance with the provisions of Subsection 6(a) of this Act;

“(c) He is able to work;

“(d) He is available for work;

“(e) He has within his base period received benefit wage credits for employment by employers of not less than Five Hundred Dollars (\$500) and has total benefit wage credits in his base period of not less than one and one-half (1 1/2) times his high quarter benefit wage credits in his base period, or within at least one quarter of his base period received wages for employment by employers equal to two-thirds (2/3) of the maximum amount of wages as defined in the Federal Insurance Contributions Act (Section 3121, Chapter 21, Subtitle C, Internal Revenue Code), as amended, or as it may hereafter be amended, provided that any claimant who has had a prior benefit year must have earned wages of Two Hundred Fifty Dollars (\$250) or more subsequent to the beginning date of the prior benefit year.

“(f) Prior to the first payment of benefits following an initial claim he has been totally or partially unemployed for a waiting period of seven (7) consecutive days. No week shall be counted as a waiting period week for the purposes of this Subsection:

“(1) Unless he has registered for work at an employment office in accordance with Subsection (a) of this Section;

“(2) Unless it is a week following the filing of an initial claim;

“(3) Unless he reports at an office of the Commission and certifies that he has met the waiting period requirements herein prescribed for the preceding seven (7) days;

“(4) If benefits have been paid or are payable with respect thereto;

“(5) If the individual does not meet the eligibility conditions of Subsections (c) and (d) of this Section 4;

“(6) If the individual has been disqualified for benefits for such seven (7) day period under the provisions of Subsections (a), (b), (c), or (d) of Section 5 of this Act;

“(7) Provided, notwithstanding any other provision of this Subsection (f), when an individual has been paid benefits in his current benefit year equal to ~~three~~ ~~four~~ times his weekly benefit amount, he shall be eligible to receive benefits on his waiting period claim in accordance with the terms of the Act.”

Sec. 4. Section 4-A, Texas Unemployment Compensation Act, as added (Article 5221b-2a, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

“(c) Benefits shall not be denied to an individual solely on the basis of pregnancy or termination of pregnancy.”

Sec. 5. Section 5, Texas Unemployment Compensation Act, as amended (Article 5221b-3, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 5. DISQUALIFICATION FOR BENEFITS. An individual shall be disqualified for benefits:

“(a) If the Commission finds that he has left his last work voluntarily without good cause connected with his work. Such disqualification shall be for not less than one (1) nor more than twenty-five (25) benefit periods following the filing of a valid claim, as determined by the Commission according to the circumstances in each case.

“(b) If the Commission finds he has been discharged for misconduct connected with his last work. Such disqualification shall be for not less than one (1) nor more than twenty-six (26) benefit periods following the filing of a valid claim, as determined by the Commission according to the seriousness of the misconduct.

“(c) If the Commission finds that during his current benefit year he has failed, without good cause, either to apply for available, suitable work when so directed by the Commission or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the Commission. Such disqualification shall be for not less than one (1) nor more than thirteen (13) benefit periods following the failure, as described above to apply for or accept suitable work, the degree of disqualification to be determined by the Commission according to the circumstances in each case.

“(1) In determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety and morals at the place of performance of his work, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

“(2) Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

“(d) For any benefit period with respect to which the Commission finds that his total or partial unemployment is (i) due to the claimant's stoppage of work because of a labor dispute at the factory, establishment, or other premises (including

a vessel) at which he is or was last employed, or (ii) because of a labor dispute at another place, either within or without this State, which is owned or operated by the same employing unit which owns or operates the premises at which he is or was last employed, and supplies materials or services necessary to the continued and usual operation of the premises at which he is or was last employed; provided that this subsection shall not apply if it is shown to the satisfaction of the Commission that:

"(1) He is not participating in or financing or directly interested in the labor dispute; provided, however, that failure or refusal to cross a picket line or refusal for any reason during the continuance of such labor dispute to accept and perform his available and customary work at the factory, establishment, or other premises (including a vessel) where he is or was last employed shall be considered as participation and interest in the labor dispute; and

"(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises (including a vessel) at which the labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute; provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises; and where a disqualification arises from the employee's failure to meet the requirements of this paragraph (2) of this subsection (d) his disqualification shall cease if he shall show that he is not, and at the time of the labor dispute was not, a member of a labor organization which is the same as, represented by, or directly affiliated with, or that he, or such organization of which he is a member, if any, is not acting in concert or in sympathy with a labor organization involved in the labor dispute at the premises at which the labor dispute occurred, and he has made an unconditional offer to return to work at the premises at which he is or was last employed.

"(c) For any benefit period with respect to which he is receiving or has received remuneration in the form of:

"(1) Wages in lieu of notice;

"(2) Compensation for temporary partial disability, temporary total disability or total and permanent disability under the Workmen's Compensation Law of any State or under a similar law of the United States;

"(3) Old Age Benefits under Title II of the Social Security Act as amended, or similar payments under any Act of Congress, or a State Legislature; provided, that if such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such benefit period, if otherwise eligible, benefits reduced by the amount of such remuneration. If any such benefits, payable under this subsection, after being reduced by the amount of such remuneration, are not an even multiple of One Dollar (\$1), they shall be adjusted to the next higher multiple of One Dollar (\$1).

"(f) In determining the number of benefit periods during which any individual is entitled to receive benefits in a benefit year, the Commission shall deduct any period of disqualification as provided in subsections (a), (b), and (c) of this Section from the total number of benefit periods during which he would otherwise be entitled to receive benefits except for such disqualification; provided, that in no case shall the number of benefit periods so deducted exceed the number of benefit periods during which the claimant is then eligible to receive benefits except for such disqualification; and provided further, that in no event shall a disqualification imposed under subsection (a) or (c) of this Section result in a total reduction of the claimant's benefit rights in his benefit year.

"(g) For the duration of any period of unemployment with respect to which the Commission finds that such individual has left his most recent work for the



purpose of attending an established educational institution; provided, that this subsection shall not apply during a period in which an individual is in training with the approval of the Commission.

"(h) For weeks of unemployment beginning after March 31, 1980, for any benefit period with respect to which the individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of the individual and which is reasonably attributable to that benefit period; provided that if the remuneration is less than the benefits which would otherwise be due under this Act, the individual shall be entitled to receive for that benefit period, if otherwise eligible, benefits reduced by the amount of the remuneration. If those benefits payable under this subsection, after being reduced by the amount of the remuneration, are not an even multiple of One Dollar (\$1), they shall be adjusted to the next higher multiple of One Dollar (\$1).

"The Legislature declares that the preceding paragraph is enacted because Section 3304(a)(15) of the Federal Unemployment Tax Act as provided in Public Law 94-566 requires this provision in State law as of January 1, 1978, as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act; and it further declares that if Section 3304(a)(15) is amended to provide modifications of these requirements, the modified requirements, to the extent that they are required for full tax credit, shall be considered applicable under the provisions of this Section rather than the provisions stated in the preceding paragraph."

Sec. 6. Subsections (b) and (f), Section 6, Texas Unemployment Compensation Act, as amended (Article 5221b-4, Vernon's Texas Civil Statutes), are amended to read as follows:

"(b) An unemployed individual who has no current benefit year may file an initial claim in accordance with rules or regulations prescribed by the Commission. The Commission shall mail a notice of the filing of such initial claim to the individual or organization for which the claimant last worked prior to the effective date of the initial claim. If the individual or organization has more than one branch or division operating at different locations, notice of the filing of such initial claim shall be mailed to the branch or division where claimant last worked. Mailing of notice of the initial claim to the correct address of the individual or organization or the branch or division where claimant last worked shall constitute due notice to such individual or organization. If the individual or organization to which such notice is mailed has knowledge of any facts that may adversely affect such claimant's right to benefits, or that may affect a charge to its account, it shall notify the Commission of such facts promptly. If such individual or organization does not mail or deliver such notification to the Commission within twelve (12) [ten (10)] days from the date notice of a claim was mailed to it by the Commission, such individual or organization shall be deemed to have waived all rights in connection with such claim, including any rights it may have under subsection 7(c) (2) of this Act, except with respect to a clerical or machine error as to the amount of its chargeback or maximum potential chargeback in connection with such claim.

"The Commission shall determine whether such initial claim is valid. If such initial claim is valid, the Commission shall determine the benefit year, the benefit amount for total unemployment and the duration of benefits. A notice of the determination of the initial claim shall be mailed to the claimant at his last known address as reflected by Commission records. The claimant may within twelve (12) calendar days from the date such notice was mailed request a redetermination or appeal in the manner provided in this Section.

"If such individual or organization for which claimant last worked has filed a notification with the Commission in accordance with this Section, an examiner shall

make a determination as to whether the claimant is disqualified from receipt of benefits under Section 5 of this Act, as to any other issue affecting the claimant's right to receive benefits which may have arisen under any other provision of this Act, and as to whether a chargeback shall be made to the account of the individual or organization if benefits are paid, and shall mail a copy of the determination to the claimant and to such individual or organization, or the branch or division for which the claimant last worked. In the absence of such notification from such individual or organization, if, from information on the claim or other information secured, an issue is raised affecting the claimant's rights to benefits under any provision of this Act, an examiner shall prepare a determination reflecting his decision and mail a copy of it to the claimant at his last known address.

"Unless the claimant or the individual or organization or branch thereof to which the copy of the determination is mailed files an appeal from such determination within twelve (12) calendar days after such copy of the determination is mailed to his or its last known address as reflected by Commission records, such determination shall be final for all purposes and benefits shall be paid or denied in accordance therewith; provided, that within the same period of time, an examiner may file an appeal from such determination, or may, if he discovers error in connection therewith or additional information not previously available, reconsider and redetermine any such determination, and such redetermination shall replace such determination and shall become final unless an appeal therefrom is filed by such claimant or such individual or organization within twelve (12) calendar days after a copy of such redetermination was mailed to his or its last known address as reflected by Commission records. ~~[If an appeal is duly filed, benefits with respect to the period of time prior to the final determination of the Commission shall be paid only after such determination; provided, that if an appeal tribunal affirms a determination of an examiner, or the Commission affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no chargeback shall be made to the employer's account by reason of such payment.]~~

"Notwithstanding any provision in this Act under which benefits may be paid or denied, benefits shall be paid promptly in accordance with a determination or redetermination of an examiner, a decision of an appeal tribunal, the Commission, or a reviewing court, on the issuance of that determination, redetermination or decision (regardless of the pendency of the period to apply for reconsideration, file an appeal, or petition for judicial review, or the pendency of that application, filing, or petition), unless and until that determination, redetermination, or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied in accordance with the modifying or reversing redetermination or decision. If a determination or decision is finally modified or reversed to deny benefits, no chargeback shall be made to the employer's account by reason of payments made to the claimant for any benefit period with respect to which he is finally denied benefits, and any benefits paid to the claimant which were not in accordance with the final decision shall be refunded by the claimant to the Commission or in the discretion of the Commission shall be deducted from future benefits payable to him under this Act."

"(f) Procedure: The manner in which disputed claims shall be presented, the reports thereon required from the claimant and from employers, or other individuals or organizations, and the conduct of hearings and appeals shall be in accordance with rules or regulations prescribed by the Commission for determining the rights of the parties. A full and complete record shall be kept of all proceedings in connection with a disputed claim and all ~~[- All]~~ testimony at any hearing upon a disputed claim shall be recorded~~[- but need not be transcribed unless the disputed claim is further appealed].~~"

Sec. 7. Subdivisions (2), (3), (5), and (10), Subsection (a), Section 6-A, Texas Unemployment Compensation Act, as amended (Article 5221b-4a, Vernon's Texas Civil Statutes), are amended to read as follows:

"(2) There is a national 'on' indicator for a week if, for the period consisting of that week and the immediately preceding twelve (12) weeks ~~[the United States Secretary of Labor determines that, for each of the three (3) most recent calendar months ending before such week]~~, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent (4.5%). The rate of insured unemployment, for the purposes of this subsection, shall be determined by the Secretary of Labor by reference to the average monthly covered employment for the first four (4) of the most recent six (6) calendar quarters ending before the close of that period.

"(3) There is a national 'off' indicator for a week if, for the period consisting of that week and the immediately preceding twelve (12) weeks ~~[the United States Secretary of Labor determines that, for each of the three (3) most recent calendar months ending before such week]~~, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent (4.5%). The rate of insured unemployment, for the purposes of this subsection, shall be determined by the Secretary of Labor by reference to the average monthly covered employment for the first four (4) of the most recent six (6) calendar quarters ending before the close of that period."

"(5) There is a State 'off' indicator for this State for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that, for the period consisting of such week and the immediately preceding twelve (12) weeks, either paragraph (A) or (B) of subdivision (4) is not satisfied ~~[the rate of insured unemployment (not seasonally adjusted) under this Act:~~

~~"(A) was less than one hundred and twenty percent (120%) of the average of such rates for the corresponding 12-week period ending in each of the preceding two (2) calendar years, or~~

~~"(B) was less than four percent (4%).~~ Provided that with respect to benefits for weeks of unemployment beginning after December 31, 1977, the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this section as if subdivision (4) did not contain paragraph (A) thereof, and as if the figure 'four' (4) contained in paragraph (B) thereof were 'five' (5); except that, notwithstanding any other provision of this Section, any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator."

"(10) 'Exhaustee' means an individual who, with respect to any benefit period of unemployment in his eligibility period:

"(A) has received, prior to such benefit period, all of the regular benefits that were available to him under this Act or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. Chapter 85) in his current benefit year that includes such benefit period;

"Provided, that, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wage credits that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits, or

"(B) had a benefit year that expired prior to such benefit period and has no, or insufficient, wage credits on the basis of which he could establish a new benefit year that would include such benefit period; and

"(C) (i) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, or such other federal laws as are specified in regulations issued by the United States Secretary of Labor, and

"(ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of ~~the Virgin Islands or of~~ Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee."

Sec. 8. Subsection (g), Section 6-A, Texas Unemployment Compensation Act, as amended (Article 5221b-4a, Vernon's Texas Civil Statutes), is amended by adding Subdivision (6) to read as follows:

"(6) Notwithstanding any other provision in this Act, with respect to weeks of unemployment beginning after December 31, 1978, extended benefit payments based on benefit wage credits earned from a state, or any political subdivision thereof, or any instrumentality of any one (1) or more of the foregoing which is wholly owned by one (1) or more states or political subdivisions shall be charged to the employer at the rate of one hundred per cent (100%) rather than at the rate of fifty per cent (50%) as provided for other employers under this Act, and any such employer which is a taxed employer shall receive notice that its maximum potential chargeback may be increased by as much as fifty percent (50%) rather than twenty-five percent (25%) as provided for other employers."

Sec. 9. Subdivisions (2)(B) and (5), Subsection (c), Section 7, Texas Unemployment Compensation Act, as amended (Article 5221b-5, Vernon's Texas Civil Statutes), are amended to read as follows:

"(2)(B) To each employer to whom notice of an initial claim has not already been mailed under subsection 6(b) of this Act, and whose account is potentially chargeable with benefits as the result of such initial claim and payment of benefits, a notice of his maximum potential chargebacks shall be mailed when benefits are first paid and an opportunity afforded for protest of his potential chargebacks. If any such employer desires to protest his potential chargebacks, he shall, within twelve (12) ~~ten (10)~~ days after such notice was mailed to him, mail his protest, including a statement of the facts upon which his protest is based, to the Commission at Austin, Texas. Any employer who does not protest his potential chargebacks within twelve (12) ~~ten (10)~~ days after notice was mailed to him shall be deemed to have waived his right to protest such chargebacks. If a timely protest is filed, the examiner shall promptly decide the issues involved in such protest and shall mail a notice of his decision thereon to the protesting employer. Such decision shall become final twelve (12) days from the date of mailing thereof, unless such employer mails to the Commission at Austin, Texas, a written appeal therefrom within such twelve (12) days. Administrative review hereunder shall be in accordance with Commission rules or regulations, and appeals to the Courts shall be permitted only after such employer has exhausted his administrative remedies (not including a motion for rehearing) before the Commission, and within the time prescribed by subsection 6(h) and subsection 6(i) of this Act with respect to Commission decisions on benefits. Venue and jurisdiction of appeals to the Courts with respect to chargebacks shall be the same as venue and jurisdiction of suits to collect contributions and penalties under this Act.

"If notice of the claim has been sent previously to the employer under the provisions of Section 6 of this Act, the employer shall be mailed a notice of the amount of his potential chargeback resulting from the claim, and may, within twelve (12) ~~ten (10)~~ days from the date such notice was mailed, protest any clerical or machine error as to amounts. Such employer shall be mailed a decision on such protest and may appeal within twelve (12) days from the date notice of such decision was mailed to him."

"(5) The replenishment ratio for a calendar year is a quotient, stated to the nearest hundredth, derived from the following numerator and denominator.

"The numerator of the replenishment ratio shall be the ~~[total]~~ amount of benefits paid from the Unemployment Compensation Fund during the twelve (12) months ending September 30~~[,]~~ of the preceding year after deductions have been made for ~~[, that are based on wage credits from taxed employers, less for the same period]:~~

"(A) benefit warrants canceled, [the total amount of refunds of regular benefits that were based on wage credits from taxed employers and fifty percent (50%) of the refunds of extended benefits that were based on wage credits from taxed employers, and]

"(B) repayment of benefits which have been overpaid [the total amount of regular benefit warrants canceled that were based on wage credits from taxed employers and fifty percent (50%) of the extended benefit warrants canceled that were based on wage credits from taxed employers], and

"(C) benefits paid which are repayable from reimbursing employers, the federal government, or any other governmental entity [fifty percent (50%) of the extended benefits paid that were based on wage credits from taxed employers].

"The denominator of the replenishment ratio shall be the total amount of chargebacks to the accounts of all taxed employers during the twelve (12) months ending September 30, of the preceding year.

"The replenishment ratio for each calendar year shall be determined prior to the due date of the first contribution payment with respect to wages for employment paid in that year and such replenishment ratio thus determined shall not be affected or revised by virtue of any subsequent adjustment of any chargebacks of any employer."

Sec. 10. Subsections (i) and (j), Section 7-A, Texas Unemployment Compensation Act, as amended (Article 5221b-5a, Vernon's Texas Civil Statutes), are amended to read as follows:

"(i) Authority to Terminate Elections: If any reimbursing employer [nonprofit organization] is delinquent in making reimbursements as provided under this Section, the Commission may terminate such reimbursing employer's [organization's] election to make reimbursements as of the beginning of the next taxable year and such termination shall be effective for that and the succeeding taxable year.

"(j) Bond: In the discretion of the Commission, any reimbursing employer [nonprofit organization] (or group of such employers [organizations]) that elects to become liable for reimbursements may be required to execute and file with the Commission a surety bond approved by the Commission. The amount of such bond shall be determined in accordance with rules prescribed by the Commission. The Commission may require adjustments to be made in a previously filed bond if it deems such action appropriate. Failure by any reimbursing employer [organization] covered by such bond to pay the full amount of reimbursements when due, together with any applicable interest and penalties provided for under this Act, shall render the surety liable on such bond to the extent of the bond, as though the surety was such employer [organization]. If any reimbursing employer [nonprofit organization] fails to make bond when directed to do so by the Commission, the Commission may terminate such employer's election to make reimbursements as of the beginning of the next taxable year and such termination shall be effective for that and the succeeding taxable year."

Sec. 11. Section 7-A, Texas Unemployment Compensation Act, as added (Article 5221b-5a, Vernon's Texas Civil Statutes), is amended by adding Subsection (m) to read as follows:

"(m) Notwithstanding any other provision in this Act, with respect to benefits paid for weeks of unemployment beginning after December 31, 1978, if the reimbursing employer is a state or political subdivision thereof, or any instrumentality of any one (1) or more of the foregoing which is wholly owned by one (1) or more states or political subdivisions, that employer shall pay one hundred percent (100%) of the extended benefits based on benefit wage credits earned from that employer instead of one-half (1/2) or fifty percent (50%) as indicated for other employers covered under this Act."

Sec. 12. The Texas Unemployment Compensation Act, as amended (Article 5221b-1 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 7-B to read as follows:

"Section 7-B. SPECIAL CONTRIBUTIONS FOR GOVERNMENTAL EMPLOYERS. (a) Notwithstanding any provision in this Act to the contrary, after December 31, 1977, a governmental employer subject to the provisions of this Act and which pays contributions shall pay in accordance with the following.

"(b) Contributions:

"(1) Payments: Contributions shall accrue and become payable by each governmental employer for each calendar year, or portion thereof, in which it is subject to this Act with respect to wages for employment paid during the calendar year or portion thereof. The contributions shall become due and be paid by each such employer to the Commission for the fund in accordance with rules prescribed by the Commission and shall not be deducted in whole or in part from the wages of individuals in the employer's employ.

"(2) Rate of Contributions: Each governmental employer shall pay contributions equal to one percent (1%) of the wages paid by the employer with respect to employment during each quarter for calendar years 1978 and 1979. The contribution rate for calendar year 1980 shall be a percentage adjusted to the next higher one-tenth of one percent (1/10 of 1%), based on the following numerator and denominator: The numerator shall include all benefits paid during the preceding two (2) calendar years based on wage credits earned from employers which pay contributions under this Section (not including benefit payments which are reimbursable from any other source), and the denominator shall include the total wages paid by all employers which pay contributions under this Section for the same period. The contribution rate for calendar year 1981 and each calendar year thereafter shall be derived in the same manner as for calendar year 1980, except employers for only the one calendar year prior to the calendar year for which the rate is computed.

"Provided, if the total benefits paid during the period used for determining the rate are greater than the total contributions paid by these same employers for the same period, the amount of benefits paid in excess of the amount of contributions collected for the period shall be added to the numerator in determining the contribution rate, and if the amount of benefits paid for the period is less than the contributions paid by these employers for the same period, that amount shall be deducted from the numerator in computing the rate; provided that in no year shall the contribution rate under this Section be less than one-tenth of one percent (1/10 of 1%).

"(3) Interest and Penalties on Past Due Contributions: If any governmental employer shall fail to pay contributions due under this Section on the date on which they are due and payable as prescribed by the Commission, the employer shall be subject to the same penalties as provided for other employers under subsection 14(a) of this Act.

"(c) Collections:

“(1) The provisions for collecting delinquent contributions provided under Section 14 of this Act shall be applicable with respect to governmental employers.

“(2) If any governmental employer is delinquent in payment of contributions or reimbursements under any section of this Act, the Commission shall notify the Comptroller of Public Accounts in writing of the name of the governmental employer and the amount of the delinquency. On receipt of this notice, the Comptroller shall pay a sum to the Commission in the amount of the delinquency from any funds which would otherwise be due from the State to the delinquent governmental employer.

“(d) Reports: Each governmental employer shall keep such records and file such reports with the Commission with respect to individuals in its employment as the Commission may prescribe by rules. A governmental employer failing to keep or file these reports when due shall be subject to the same penalties as provided for other employers under subsection 14(c) of this Act.

“(e) Separate Accounting: Benefit payments based on wages from employers under this Section shall be paid from the fund; provided the Commission shall establish separate accounting with respect to benefits paid and contributions collected under this Section and these benefits and contributions shall not be used in determining contribution rates under Section 7 of this Act.”

Sec. 13. Subdivisions (2), (3), and (4) of Subsection (b), Section 8, Texas Unemployment Compensation Act, as amended (Article 5221b-6, Vernon's Texas Civil Statutes), are amended to read as follows:

“(2) ~~A State [The State of Texas, a branch or department thereof,] or an instrumentality thereof may voluntarily elect, [except with respect to a State hospital or a State institution of higher education] coverage as a subject employer~~ for a period of not less than two (2) calendar years, ~~[and shall for the same period file an election]~~ to pay reimbursements for benefits paid ~~[as provided in Section 7-A of this Act]~~ or to pay contributions ~~[as provided in Section 7 of this Act]~~.

“(3) ~~A political subdivision of a State or any instrumentality thereof may voluntarily elect for a period of not less than two (2) calendar years to pay reimbursements for benefits paid or to pay contributions [the State of Texas may voluntarily elect coverage for not less than two (2) calendar years and such election may be made with respect to (A) all services performed for the political subdivision, or (B) all services performed for all institutions of higher education and all hospitals operated by the political subdivision, or (C) all services performed for one (1) or more separate parts or divisions of the political subdivision; and, if such election is made, the employer shall pay reimbursements for benefits as provided in Section 7-A of this Act].~~

“(4) ~~An election by an employer under subsection 8(b)(2) or 8(b)(3) of this Act to be a reimbursing employer shall~~ date notice is mailed to the employer that it is subject to the provisions of this Act. The election will be effective January 1 of the year in which the employer became subject to the Act. All elections under subsections 8(b) (2) and 8(b) (3) of this Act may be terminated after the minimum required period by filing with the Commission a written request for termination not later than thirty (30) days preceding the last day of a calendar year, and such termination shall be effective January 1 of the following year.”

Sec. 14. Subdivision (1) of Subsection (c), Section 8, Texas Unemployment Compensation Act, as amended (Article 5221b-6, Vernon's Texas Civil Statutes), is amended to read as follows:

“(1) No employing unit shall cease to be an employer subject to this Act except as of the first day of January of any calendar year, and only then if such employer files with the Commission, within the period from January 1 through March 31 of such year, a written application for termination of coverage, and the

Commission finds that the employing unit was not an employer as defined in subsection 19(f) of this Act during the preceding year ~~there were no twenty (20) different days within the preceding calendar year, each day being in a different calendar week, during each of which days such employing unit employed one (1) or more individuals in employment subject to this Act and that said employer did not pay any wages in any quarter of the preceding year in the total amount of One Thousand Five Hundred Dollars (\$1,500) or more; provided, that, if the employing unit is an employer subject to this Act under subsection 19(f)(3), the phrase 'four (4) or more individuals' shall be substituted for the phrase 'one (1) or more individuals' in this subparagraph; and provided further, that this subsection has no applicability to an employer subject to this Act under subsection 19(f) (6)]."~~

Sec. 15. Subsections (d) and (f), Section 19, Texas Unemployment Compensation Act, as amended (Article 5221b-17, Vernon's Texas Civil Statutes), are amended to read as follows:

"(d) 'Contributions' means the money payments (taxes) to the State Unemployment Compensation Fund required under ~~Section 7 of~~ this Act. Employers who pay contributions under this Act may be referred to as 'taxed employers.'"

"(f) 'Employer' means:

"(1) Any employing unit, other than one to which paragraph (3) or (6) below is applicable, which during any calendar quarter in the current calendar year or the preceding calendar year paid wages of One Thousand Five Hundred Dollars (\$1,500) or more, or on each of some twenty (20) days during the current calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least one (1) individual in employment for some portion of the day;

"(2) Any individual or employing unit which acquired the organization, trade, or business, or substantially all of the assets thereof, of another which at the time of such acquisition was an employer subject to this Act;

"(3) Any employing unit which is a nonprofit organization as described in Section 501(c) (3) of the Internal Revenue Code of 1954 which is exempt from income tax under Section 501(a) of such Code and which on each of some twenty (20) days during the current calendar year or during the preceding calendar year, each day being in a different calendar week, employed four (4) or more individuals in employment for some portion of the day;

"(4) Any employing unit which has elected to become an employer under Section 8 of this Act;

"(5) Any employing unit which is liable for the payment of taxes under the Federal Unemployment Tax Act for the current calendar year;

000. ~~"(6) A state or any political subdivision thereof, or any instrumentality of any political subdivisions [A hospital or an institution of higher education (or a group of such organizations) located in this State and operated by this State or by this State and one (1) or more other states or by an instrumentality thereof for which services are performed which constitute employment; provided, that any such hospital or institution shall be a reimbursing employer under the provisions of Section 7-A of this Act];~~

"(7) Any employing unit not an employer by reason of any other paragraph of this subsection which, as a condition for approval of this Act for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Act, to be an 'employer' under this Act;

"(8) Any employing unit which paid wages for or employed individuals in agricultural labor in accordance with the following: notwithstanding any other provision in this Act, agricultural labor as defined in subsection 19(g)(5)(B) of this Act shall constitute employment if performed for any employing unit which during



any calendar quarter in the current calendar year or the preceding calendar year paid wages in cash of Twenty Thousand Dollars (\$20,000) or more for such services, or on each of some twenty (20) days during the current calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least ten (10) or more individuals in that employment for some portion of the day; provided that

"(A) for purposes of this provision, any individual who is a member of a crew furnished by a crew leader to perform agricultural labor for any other person shall be treated as an employee of the crew leader,

"(i) if:

"(I) the crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or

"(II) substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment which is provided by the crew leader; and

"(ii) if the individual is not an employee of such other person;

"(B) for purposes of this provision, in the case of any individual who is furnished by a crew leader to perform agricultural labor for any other person and who is not treated as an employee of the crew leader under paragraph (A) of this subdivision:

"(i) the other person and not the crew leader shall be treated as the employer of that individual; and

"(ii) the other person shall be treated as having paid cash remuneration to that individual in an amount equal to the amount of cash remuneration paid to that individual by the crew leader (either on his behalf or on behalf of the other person) for the agricultural labor performed for the other person;

"(C) for purposes of this provision, the term 'crew leader' means an individual who:

"(i) furnishes individuals to perform agricultural labor for any other person,

"(ii) pays (either on his behalf or on behalf of the other person) the individuals so furnished by him for the agricultural labor performed by them, and

"(iii) has not entered into a written agreement with the other person under which the individual is designated as an employee of the other person;

"(D) for the purposes of this provision, wages shall not include remuneration paid in any medium other than cash;

"(E) this provision shall not be applicable to agricultural labor performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

"(9) Any employing unit which paid wages for domestic service in accordance with the following: notwithstanding any other provision in this Act, domestic service in a private home, local college club, or a local chapter of a college fraternity or sorority shall constitute employment if performed for any employing unit which during any calendar quarter in the current calendar year or the preceding calendar year paid wages in cash of One Thousand Dollars (\$1,000) or more for the domestic service, provided that an employer under this provision shall not be treated as an employer with respect to wages paid for any service other than domestic service unless the employer is treated as an employer under some other provision of this Act with respect to the service."

Sec. 16. Paragraphs (D) and (F), Subdivision (3), Subsection (g), Section 19, Texas Unemployment Compensation Act, as amended (Article 5221b-17, Vernon's Texas Civil Statutes), are amended to read as follows:

"(D) The term 'employment' shall include any service (other than service which is deemed 'employment' under the provisions of subsections (g)(2) and (g)(3)

of this Section or the parallel provisions of another state's law) performed after 1971 outside the United States (except in a contiguous country with which the United States has an agreement relating to unemployment compensation ~~for in the Virgin Islands~~) by a citizen of the United States as an employee of an American employer, if:

"(i) the employer's principal place of business in the United States is located in this State; or

"(ii) the employer has no place of business in the United States, but:

"(I) the employer is an individual who is a resident of this State; or

"(II) the employer is a corporation which is organized under the laws of this State; or

"(III) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this State is greater than the number who are residents of any one (1) other state; or

"(iii) none of the criteria of divisions (i) and (ii) of this subparagraph is met but the employer has elected coverage in this State or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this State."

"(F) The term 'United States' when used in a geographical sense [as used in subsection 19(g) (3) (D) of this Act] includes the States, the District of Columbia, ~~and~~ the Commonwealth of Puerto Rico, and the Virgin Islands."

Sec. 17. Subdivision (5), Subsection (g), Section 19, Texas Unemployment Compensation Act, as amended (Article 5221b-17, Vernon's Texas Civil Statutes), is amended to read as follows:

"(5) The term 'employment' shall not include:

"(A) Service with respect to which unemployment compensation is payable under an Unemployment Compensation System established by an Act of Congress; provided that the Commission is hereby authorized to enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner provided in subsection 11(b) of this Act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this Act, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this Act.

"(B) Agricultural labor, which is hereby defined as all services performed:

"(i) on a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

"(ii) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

"(iii) in connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, 3; 12 U.S.C. 1141j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

"(iv) (I) in the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state,

any agricultural or horticultural commodity; but only if such operator produced more than one-half (1/2) of the commodity with respect to which such service is performed;

“(II) in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in subparagraph (I) above, but only if such operators produced more than one-half (1/2) of the commodity with respect to which such service is performed;

“(III) the provisions of subparagraphs (I) and (II) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;[-]

“(v) on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

“As used in this subsection, the term ‘farm’ includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

“(C) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

“(D) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) years in the employ of his father or mother;

“(E) Service performed in the employ of a church, convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

“(F) Services performed in the employ of a political subdivision or any instrumentality thereof which is wholly owned by one (1) or more political subdivisions:

“(i) as an elected official;

“(ii) as a member of a legislative body;

“(iii) as a member of the judiciary;

“(iv) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or

“(v) in a position which, under or pursuant to law, is designated as a major nontenured policy-making or advisory position, or a policy-making or advisory position the performance of the duties of which ordinarily does not require more than eight (8) hours per week [Service performed in the employ of this State or of any other state, or of any political subdivision thereof, or any instrumentality of any one (1) or more of the foregoing which is wholly owned by this State or by one (1) or more states or political subdivisions; and any service performed in the employ of any instrumentality of this State or of one (1) or more states or political subdivisions to the extent that the instrumentality is with respect to such service, exempt under the Constitution of the United States from the tax imposed by Section 3301 of the Internal Revenue Code of 1954 provided that effective January 1, 1972, this exclusion from the definition of employment is not applicable to services performed in the employ of a State or instrumentality thereof for a State hospital or State institution of higher education];

“(G) Service performed in the employ of a foreign government (including services as a consular or other officer or employee, or a nondiplomatic representative);

“(H) Service performed in the employ of an instrumentality wholly owned by a foreign government (i) if the service is of a character similar to that performed in foreign countries by the employees of the United States Government or of an instrumentality thereof; and (ii) if the Commission finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

“(I) Service performed as a student nurse in the employ of a hospital or a nurses’ training school by an individual who is enrolled and is regularly attending classes in a nurses’ training school chartered or approved pursuant to State law; and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to State law;

“(J) Service performed by an individual for a person as an insurance agent or an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

“(K) Service performed by an individual under the age of eighteen (18) years in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

“(L) Service covered by an arrangement between the Commission and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit’s duly approved election are deemed to be performed entirely within such agency’s state or under such federal law;

“(M) Service performed in the employ of the United States Government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this Act, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this Act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services; provided, that if this State shall not be certified for any year by the Social Security Board or successor under Section 1603(c) of the Internal Revenue Code of 1954, the payments required by such instrumentalities with respect to such year shall be refunded by the Commission from the fund in the same manner and within the same period as is provided in subsection 14(j) of this Act with respect to contributions erroneously collected;

“(N) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

~~“(O) Service performed in the employ of a nonprofit, religious, or State school which is not an institution of higher education;]~~

“(P) Service performed in the employ of a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitative or remunerative work;

“(Q) Service performed as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an

agency of a state or political subdivision thereof, by an individual receiving such work relief or work training;

“(R) Service performed by an inmate of a custodial or penal institution which is owned or operated by the State or a political subdivision thereof ~~[in the employ of a hospital in a State prison or other State correctional institution, by an inmate of the prison or correctional institution];~~

“(S) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university;

“(T) Service performed by an individual under the age of twenty-two (22) who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employing unit, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers; and

“(U) Service performed in the employ of a hospital, if such service is performed by a patient of such hospital;

“(V) Service performed on a fishing vessel normally having a crew of fewer than ten (10) if the crew member's reimbursement for services performed is a share of the catch and the services are determined not to be employment under the Federal Unemployment Tax Act.”

Sec. 18. Subsections (k) and (n), Section 19, Texas Unemployment Compensation Act, as amended (Article 5221b-17, Vernon's Texas Civil Statutes), are amended to read as follows:

“(k) ‘State’ includes, in addition to the States of the United States of America, Puerto Rico, ~~and~~ the District of Columbia, and the Virgin Islands.”

“(n) ‘Wages’ means all remuneration paid for personal services, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include:

“(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to Six Thousand Dollars (\$6,000) ~~[Four Thousand Two Hundred Dollars (\$4,200)]~~ with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during any such calendar year;

“(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents), or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

“(A) Retirement, or

“(B) Sickness or accident disability, or

“(C) Medical or hospitalization expenses in connection with sickness or accident disability, or

“(D) Death;

“(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

"(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six (6) calendar months following the last calendar month in which the employee worked for such employer;

"(5) Any payment made to, or on behalf of, an employee or his beneficiary:

"(A) From or to a trust described in Section 401(a) of the Internal Revenue Code of 1954 which is exempt from tax under Section 501(a) of said Code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or

"(B) Under or to an annuity plan which, at the time of such payment, is a plan described in Section 403(a) of the Internal Revenue Code of 1954, or

"(C) Under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in Section 405(a) of the Internal Revenue Code of 1954;

"(6) The payment by an employer (without deduction from the remuneration of the employee):

"(A) Of the tax imposed upon an employee under Section 3101 of the Internal Revenue Code of 1954 (or the corresponding section of prior law);

"(7) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

"(8) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of sixty-five (65), if he did not work for the employer in the period for which such payment is made;

"(9) Within any calendar year that part of an individual's remuneration from a single employer which, after ~~Six Thousand Dollars (\$6,000)~~ ~~Four Thousand Two Hundred Dollars (\$4,200)]~~ has been paid him upon which contributions have been paid under the unemployment law of any state, is paid with respect to employment."

Sec. 19. Subsection (h) of Section 6-A, Subsection (e) of Section 7, and Subsection (q) of Section 19, Texas Unemployment Compensation Act, as amended (Articles 5221b-4a, 5221b-5, and 5221b-17, Vernon's Texas Civil Statutes), are repealed.

Sec. 20. All laws or parts of laws in conflict herewith, insofar as they do conflict herewith, are hereby repealed, but such repeal may in no way be construed as forfeiting or waiving any rights of the State of Texas or of the Texas Employment Commission which have accrued thereunder, including but not limited to the right to collect contributions, interest, or penalties that have accrued and the right of prosecution for violation of any provision thereof; nor may this repeal in any way be construed as forfeiting or waiving the rights of any individual to benefits which accrued thereunder; provided that the commission's determination of the benefit year, the benefit amount for total unemployment, and the duration of benefits made with respect to an initial claim filed prior to January 1, 1978, shall be effective for the remainder of that benefit year.

Sec. 21. Amendment to Subsection (b), Section 3, Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), contained in Section 1 of this Act takes effect on October 1, 1977. All other provisions of this Act take effect on January 1, 1978.

Sec. 22. If any provision of this Act is held invalid, the invalidity does not affect any provision of this Act which can be given effect without the invalid provision. Provided further, should any part or parts of Public Law 94-566 or the Federal Acts it amends be finally adjudged unconstitutional or invalid by any court of competent jurisdiction, then this Act is automatically repealed to the extent of such invalidity.

Sec. 23. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Jones of Taylor moved to concur in the House amendment.

The motion prevailed.

### RECORD OF VOTES

Senators Creighton, Hance and Harris asked to be recorded as voting "Nay" on the motion to concur in the House amendment.

### SENATE RULE 74a SUSPENDED

On motion of Senator Mengden and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendment to **S.B. 1189**.

### SENATE BILL 1189 WITH HOUSE AMENDMENT

Senator Mengden called **S.B. 1189** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend S.B. No. 1189 as follows:

- (1) Strike the last sentence in Section 3 and substitute the following:  
The commission shall adopt the rules necessary to implement the employment program consistent with this Act and applicable federal law.
- (2) In Section 6, Subsection (c), Subdivision (6), strike the period following "unreasonable" and substitute a semicolon.
- (3) In Section 6, Subsection (c), add a Subdivision (7) to read as follows:  
(7) the employment fails to satisfy standards established under applicable federal law.

The amendment was read.

Senator Mengden moved to concur in the House amendment.

The motion prevailed.

### HOUSE BILL 248 ON THIRD READING

Senator Longoria moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

**H.B. 248**, A bill to be entitled An Act relating to the establishment of an upper-level educational center of Pan American University to be located in the city

of Brownsville, to be known as Pan American University at Brownsville; amending Chapter 112, Texas Education Code, by adding Subchapter D.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Aikin, Andujar, Brooks, Clower, Doggett, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Creighton, Farabee, Hance, Jones of Taylor, Mauzy, Meier, Mengden, Sherman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

Yeas: Aikin, Andujar, Brooks, Clower, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Creighton, Doggett, Farabee, Jones of Taylor, Mauzy, Meier, Mengden, Moore, Sherman.

### EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKnight having given Notice on yesterday.)

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 14, Nays 16.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Jones of Harris, Longoria, Mauzy, Moore, Parker, Patman, Schwartz, Sherman, Truan.

Nays: Adams, Andujar, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Santiesteban, Snelson, Traeger, Williams.

Absent: Ogg.

Accordingly, the President at 11:08 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:45 o'clock a.m.

The President asked if there were requests to sever nominees.



Senator Moore moved to sever Mrs. Liz Carpenter to be a Member of the Board for Lease of State Park Lands.

The request was granted.

Senator McKnight moved confirmation of those nominees not severed and reported by the Committee on State Affairs, Subcommittee on Nominations and considered in Executive Session.

The following nominees were confirmed by the following vote: Yeas 31, Nays 0.

#### **NOMINEES CONFIRMED**

To be a Member of the STATE SCHOOL LAND BOARD: Mrs. Ruth Forbis Kirby, Lamb County.

To be a Member of the TEXAS CONSERVATION FOUNDATION: E. B. (Tex) Mayer, Fayette County.

To be Members of the Board of Directors, GUADALUPE-BLANCO RIVER AUTHORITY: Edward S. Reese, Gonzales County; E. T. Summers, Jr., DeWitt County; Harry Edwards (Eddie) Gumbert, Jr., Hays County.

To be a Member of the TEXAS PRIVATE EMPLOYMENT AGENCY REGULATORY BOARD: Jack Harlan Post, El Paso County.

To be a Member of the Board of Directors, TEXAS TURNPIKE AUTHORITY: Beeman Fisher, Tarrant County.

To be Members of the STATE BOARD OF MEDICAL EXAMINERS: Dr. L. G. Ballard, Hood County; Dr. Max C. Butler, Harris County; Dr. James Russell Winn, Uvalde County; Dr. Albert Bryan Spires, Jr., Travis County.

To be Members of the ADVISORY COUNCIL ON COMMUNITY AFFAIRS: Pedro G. Rodriguez, San Patricio County; Elbert Rudolph (Rudy) Day, Dallas County; Donald W. Harris, Bexar County; Fred Hofheinz, Harris County; Leo J. Leo, Hidalgo County; Louis D. (Bubba) Whitehead, Jeff Davis County; Sam E. Clonts, Knox County.

Mrs. Carpenter was confirmed to be a Member of the Board for Lease of State Park Lands by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Harris, Mengden, Moore.

#### **CONFERENCE COMMITTEE APPOINTED ON SENATE BILL 152**

The President asked if there were any motions to instruct the Conference Committee on S.B. 152 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Meier, Adams, Mengden, Williams and Creighton.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 117 ON SECOND READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 117**, Amending Subsection (a), Section 22, Texas Election Code, as amended.

The bill was read second time and was passed to third reading by the following vote: Yeas 20, Nays 11.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Aikin, Creighton, Farabee, Harris, Jones of Taylor, McKnight, Mengden, Moore, Snelson, Traeger.

#### **MOTION TO PLACE COMMITTEE SUBSTITUTE HOUSE BILL 117 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 117** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 23, Nays 8.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Creighton, Farabee, Harris, Mengden, Moore, Snelson, Traeger.

#### **HOUSE BILL 514 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 514**, A bill to be entitled An Act relating to powers of fiduciaries and custodians with regard to certain securities.

The bill was read second time and was passed to third reading.

**RECORD OF VOTES**

Senators Hance and Sherman asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**HOUSE BILL 514 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 514** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Hance, Sherman.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Aikin and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **S.R. 703** today.

**SENATE RULE 103 SUSPENDED**

Senator Mauzy moved that Senate Rule 103 be suspended in order that the Committee on Education might consider **H.B. 750** today on adjournment.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Patman.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Adams and by unanimous consent, Senate Rule 103 was suspended in order that the Conference Committee might meet at 1:00 o'clock p.m. today to consider **C.S.H.B. 1048**.

## MESSAGE FROM THE HOUSE

House Chamber  
May 19, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 34**, A bill to be entitled An Act relating to the effect of certain speeding violations on insurance availability and premiums and on drivers' license suspensions; amending Section 169B, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by adding Subsections (k) and (l).

**S.B. 135**, A bill to be entitled An Act relating to the subscriber's filing fee and the percentage of gross premiums paid into the Workmen's Compensation Fund; amending Section 28 of Article 8306 and Section 18a of Article 8308, Revised Civil Statutes of Texas, 1925, as amended.

**S.B. 407**, Relating to gas and electric meters for dwelling units in apartment houses. (With amendment)

**S.B. 428**, Relating to regulation of certain persons engaged in the business or occupation of conducting investigations or providing security services; amending the Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), by adding Subdivision (25) to Section 2; amending Sections 3(a), 11A, 13, 14(c), 15(a) and (c), 16(b), 17, 19(a), 24, 27, 40, 42, 45, 46, 48, and 50(a); adding Subsection (e) to Section 18; and amending Article 2.12, Code of Criminal Procedure, 1965, as amended. (With amendment)

**S.B. 747**, Relating to commissioning certain housing security officers as peace officers; amending Chapter 462, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 1269k, Vernon's Texas Civil Statutes), by adding Section 8a; amending Article 2.12, Code of Criminal Procedure, 1965, as amended. (With amendment)

**S.B. 1101**, Relating to prerequisites to use of motor vehicle insurance rates that are higher than promulgated rates; amending Section (a), Article 5.03, Insurance Code, as amended. (With amendment)

**S.B. 1183**, Relating to the Texas Employees Uniform Group Insurance Benefits Act; amending and revising Chapter 79, Acts of the 64th Legislature, Regular Session, 1975 (Article 3.50-2, Texas Insurance Code), as follows: amending Section 3(a) by clarifying the definitions of "annuitant" and "employee"; revising Section 3(a) by providing definitions of "part-time employee", "full-time employee", "basic plan for active full-time employees" and "basic plan for retired employee-annuitants"; revising Section 5 by adding subsection (d) which provides for a clarification of the trustee's authority under this Act as the administrator of group insurance programs to State employees; amending Section 10 by providing for exemption of premiums collected pursuant to this Act from tax and by allowing for the assignment of benefits directly to health care providers; amending Section 13 by

providing automatic participation for all full-time State employees and employee-annuitants and voluntary participation by part-time State employees; amending Section 14 by providing that the employer share of premiums for coverage under this Act shall be equal; amending Section 18 by providing that one member of the Group Insurance Advisory Committee shall be a retired State employee; amending Section 19 by allowing certain dependents to retain group insurance coverage; providing an effective date; and declaring an emergency. (With amendments)

**S.B. 281**, Relating to the compensation of the county attorney or criminal district attorney in certain counties; amending Article 332b-1, Revised Civil Statutes of Texas, 1925. (With amendment)

**S.B. 821**, Relating to autopsies on children who die suddenly and unexpectedly; recognition of the term "Sudden Infant Death Syndrome" as a cause of death certification when appropriate; directing the Texas Department of Health Resources to develop a program outline for consultation and information about "SIDS"; and declaring an emergency.

**S.B. No. 744**, An Act providing an appropriation out of the General Revenue Fund for the payment of claims under the workman's compensation insurance program for employees of political subdivisions.

**S.B. No. 1253**, Making a supplemental appropriation to the Judiciary Section-Comptroller's Department.

**S.B. 373**, Relating to the aggregate amount of Water Development Bonds for water quality enhancement purposes which may be issued pursuant to Article III, Section 49-d-1 of the Texas Constitution as amended; and declaring an emergency.

**S.B. 190**, A bill to be entitled An Act amending Chapter 21 of the Insurance Code, Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as amended by adding a new Article, to be known as Article 21.52, relating to the right to select a doctor of podiatric medicine to perform the services which fall within the scope of license of such doctor that are scheduled in a health or accident insurance policy, agreement, contract, or certificate; repealing laws or parts of laws in conflict herewith; and declaring an emergency. (With amendment)

**S.B. 501**, Relating to the regulation of the automobile salvage business by requiring removal of unexpired license plates from certain motor vehicles, by providing for inspection of salvage yard premises by peace officers and the seizure of stolen motor vehicles and parts, and by requiring complete records of transactions involving the purchase and sale of motor vehicles and parts by automobile salvage dealers; providing that a violation of this article is a Class A misdemeanor; amending Section 1, Chapter 506, Acts of the 57th Legislature, 1961, as amended (Article 6687-2, Vernon's Texas Civil Statutes); and declaring an emergency.

**S.B. 535**, Relating to certain definitions, license and disclosure requirements, and prohibitions established by the Texas Motor Vehicle Commission Code; amending Subdivision (8), Section 1.03, Subsection (d), Section 4.02, Subsection (c), Section 4.03, Subsection (c), Section 4.06, and Subdivision (9), Section 5.02, Chapter 51, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(36), Vernon's Texas Civil Statutes); and declaring an emergency.

**S.B. 54,** A bill to be entitled An Act relating to periodic review and termination of certain state regulatory agencies and advisory committees. (With amendments)

**S.B. 60,** A bill to be entitled An Act relating to granting authority to the Coordinating Board, Texas College and University System, to contract with teaching hospitals for certain purposes; amending Chapter 61, Texas Education Code, as amended by adding Subchapter G; amending Sections 73.057, 74.154, and 110.09, Texas Education Code; and declaring an emergency. (With amendments)

**S.B. 120,** A bill to be entitled An Act relating to the establishment of a program for the assistance of persons having hemophilia.

**S.B. 142,** A bill to be entitled An Act relating to the establishment of guidelines for personnel administration for employees of public institutions of higher education; providing for authority, responsibility and duties of the Coordinating Board, Texas College and University System, and for the Governing Boards of institutions of higher education regarding employment policies and practices; repealing all laws in conflict and declaring an emergency. (With amendments)

**S.B. 147,** A bill to be entitled An Act relating to activities which are permitted without a plumbing license; amending Section 2 by adding Subsection (g), and amending Section 3, Plumbing License Law of 1947 (Article 6243-101, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendment)

**S.B. 353,** Relating to the election of members of the governing board of certain countywide community college districts from single-member trustee districts and to the dates and manner of conducting the elections; amending Chapter 130, Texas Education Code, by adding Section 130.0821; and declaring an emergency.

Respectfully submitted,  
BETTY MURRAY, Chief Clerk  
House of Representatives

#### RECESS

On motion of Senator Aikin the Senate at 12:05 o'clock p.m. took recess until 2:00 o'clock p.m. today.

#### AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

#### REPORT OF STANDING COMMITTEE

Senator Mauzy submitted the following report for the Committee on Education:

**C.S.H.B. 750** (Ordered not printed)

#### BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

H.B.	243	H.B.	1311
H.B.	322	H.B.	1338
H.B.	624	H.B.	1382
H.B.	678	H.B.	1437
H.B.	679	H.B.	1594
H.B.	751	H.B.	1660
H.B.	801	H.B.	1662
H.B.	860	H.B.	1773
H.B.	951	H.B.	1755
H.B.	1092	H.B.	1840
H.B.	1178	H.B.	1897
H.B.	1280	H.B.	2132

#### MESSAGE FROM THE HOUSE

House Chamber  
May 19, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House Concurred in Senate Amendments to H.B. No. 1271 by Non Record Vote.

All necessary rules suspended, and the House Concurred in Senate amendments to H.B. No. 390 by a Record Vote of 121 Ayes, 3 Noes, 5 PNV.

H.B. No. 144, Relating to the administration of the Texas Department of Corrections' Work Furlough Program, the requirements imposed on employers of work furlough inmates and the entitlement of said inmates and their dependents to workmen's compensation benefits; and amending Chapter 493, Acts of the 61st Legislature, Regular Session, 1969 (Article 6166x-3, Vernon's Texas Civil Statutes).

Respectfully submitted,  
BETTY MURRAY, Chief Clerk  
House of Representatives

#### COMMITTEE SUBSTITUTE HOUSE BILL 712 ON SECOND READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 712, Relating to the licensing of corporations as certain types of insurance agents; amending Article 21.05, Insurance Code; Sections 1, 2, 3, 6, 10, 11, 12, and 15, Subsection (a) of Section 4, and Subsection (d) of Section 7, Article 21.07, Insurance Code, as amended; and Sections 3, 4, 8, 12, 13, and 14, Subsection (b) of Section 1, Subsection (a) of Section 2, Subsections (a) and (d) of Section 5, and Subsections (c) and (e) of Section 9, Chapter 213, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 21.07-1, Vernon's Texas Insurance Code).

The bill was read second time and was passed to third reading.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 712 ON THIRD READING**

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 712 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent: Clower, Harris, McKnight, Moore, Ogg, Santiesteban, Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTE**

Senator Hance asked to be recorded as voting "Nay" on the final passage of the bill.

#### **HOUSE BILL 1140 ON SECOND READING**

On motion of Senator Andujar and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1140**, A bill to be entitled An Act relating to mandatory retirement of employees covered by a civil service system in certain counties; amending Section 8, Chapter 262, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2372h-6, Vernon's Texas Civil Statutes), by adding Subsection (c).

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 1140 ON THIRD READING**

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1140** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Clower, McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **HOUSE BILL 2015 ON SECOND READING**

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:



**H.B. 2015**, A bill to be entitled An Act relating to amending the Texas Insurance Code, Article 21.07-1, Section 5(c).

The bill was read second time.

Senator Jones of Taylor offered the following committee amendment to the bill:

Amend **H.B. 2015** by striking the words "Life Insurance" in line 3, page 2; line 8, page 2; line 21, page 2; line 17, page 3; line 6, page 4; and line 15, page 4.

The committee amendment was read and was adopted.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 2015 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2015** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Doggett.

Present-Not Voting: Moore.

Absent: Clower, Harris, McKnight, Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Doggett, Hance.

Absent: Clower, Harris, McKnight, Moore, Ogg.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 1806 ON SECOND READING**

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.H.B. 1806**, Relating to validation of the incorporation and boundaries of certain municipalities.

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **C.S.H.B. 1806** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 2, Present-Not Voting 1.

Yeas: Adams, Andujar, Braecklein, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Mauzy.

Present-Not Voting: Ogg.

Absent: Brooks, Clower, Harris, McKnight, Schwartz.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 1806 ON THIRD READING**

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1806** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Adams, Andujar, Braecklein, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Mauzy.

Absent: Brooks, Clower, Harris, McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Mauzy and Aikin asked to be recorded as voting "Nay" on the final passage of the bill.

#### **HOUSE BILL 939 ON SECOND READING**

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 939**, A bill to be entitled An Act relating to validation of certain actions of the Texas Aeronautics Commission.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **H.B. 939** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Braecklein, Brooks, Creighton, Doggett, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Farabee, Meier, Ogg, Sherman.

Absent: Clower, McKnight.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### **RECORD OF VOTES**

Senators Meier, Ogg and Sherman asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### **HOUSE BILL 939 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 939** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino,

Longoria, Mauzy, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Andujar, Meier, Ogg, Sherman.

Absent: McKnight, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Meier, Ogg, Sherman.

Absent: McKnight.

#### LEAVE OF ABSENCE

Senator Jones of Harris was granted leave of absence for the remainder of today on account of important business on motion of Senator Brooks.

#### HOUSE BILL 1233 ON SECOND READING

On motion of Senator Hance and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1233**, A bill to be entitled An Act relating to validation of the incorporation, boundaries, and governmental proceedings of general law municipalities.

The bill was read second time.

Senator Hance offered the following committee amendment to the bill:

Delete Sections 2 and 3 and substitute in lieu thereof the following:

Section 2. The boundary lines of such cities and towns, including any subsequent extensions of such boundaries by annexation, and the reduction or certification of such boundaries by the discontinuation and disannexation of territory are validated in all respects, except that the extension of a boundary line by annexation into the extraterritorial jurisdiction of another city or town or the incorporation of a city or town in the extraterritorial jurisdiction of another city or town without that city's or town's consent, in violation of the Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), is not validated by this act.

Section 3. All governmental proceedings performed by the governing bodies of the cities and towns since their incorporation including annexations,

disannexations and apportionment of extraterritorial jurisdiction and notices and attempted notices required therefor are validated in all respects as of the date of the proceedings.

The committee amendment was read and was adopted.

On motion of Senator Hance and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

### RECORD OF VOTES

Senators Sherman and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

### HOUSE BILL 1233 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1233** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Andujar, Bracklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Clower, Mauzy, Sherman.

Absent: McKnight.

Absent-excused: Jones of Harris.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### RECORD OF VOTES

Senators Sherman, Mauzy and Aikin asked to be recorded as voting "Nay" on the final passage of the bill.

### BILL ORDERED NOT PRINTED

On motion of Senator Mauzy and by unanimous consent, **C.S.H.B. 750** was ordered not printed.

### HOUSE BILL 2059 ON SECOND READING

Senator Clower asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 2059**, A bill to be entitled An Act relating to the filing of lawsuits by creditors in counties other than where the contract was made or where the debtor resides; amending Chapter 17 and 17.46, Texas Business & Commerce Code, commonly known as The Deceptive Trade Practices Act; and declaring an emergency.

There was objection.

Senator Clower then moved to suspend the regular order of business and take up **H.B. 2059** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Aikin, Farabee, Lombardino, Moore, Traeger.

Absent: McKnight.

Absent-excused: Jones of Harris.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Clower offered the following amendment to the bill:

Amend **H.B. 2059** by striking all of Subdivision (21) of Section 17.46(b) and substituting therefor the following:

"(21) filing suit founded upon a written contractual obligation of and signed by the defendant to pay money arising out of or based on a consumer transaction for goods, services, loans, or extensions of credit intended primarily for personal, family, household, or agricultural use in any county other than in the county in which the defendant resides at the time of the commencement of the action or in the county in which the defendant in fact signed the contract, except that it is not a violation of this subsection where the defendant resides in a county having a population of less than 250,000 and the suit was filed in the nearest county with a population of 250,000 or more; provided, however, that a violation of this subsection shall not occur where it is shown by the person filing such suit he neither knew or had reason to know that the county in which such suit was filed was neither the county in which the defendant resides at the commencement of the suit nor the county in which the defendant in fact signed the contract; and provided further that a violation of this act shall not occur by the joinder of multiple parties to an obligation where venue is otherwise proper as to the primary obligor or to any joint obligor."

The amendment was read and was adopted.

On motion of Senator Clower and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

### **HOUSE BILL 2059 ON THIRD READING**

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2059** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Aikin, Farabee, Lombardino, Moore, Traeger.

Absent: McKnight.

Absent-excused: Jones of Harris.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### **RECORD OF VOTES**

Senators Traeger and Lombardino asked to be recorded as voting "Nay" on the final passage of the bill.

### **HOUSE BILL 360 ON SECOND READING**

Senator Parker moved to suspend the regular order of business to take up for consideration at this time:

**H.B. 360**, A bill to be entitled An Act relating to the right to psychological services and reimbursement for psychological services under certain policies, contracts, and certificates of group insurance and group hospital plans; and amending Article 20.12 of and adding Article 21.35A to the Insurance Code, as amended.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Kothmann, Lombardino, Longoria, Mauzy, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Farabee, Harris, Jones of Taylor, Mengden.

Absent: McKnight.

Absent-excused: Jones of Harris.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend Sec. 1 of **H.B. 360** by striking all of quoted Article 21.35A and substituting in lieu thereof the following:

**"Article 21.35A. COVERAGE UNDER GROUP INSURANCE AND GROUP HOSPITAL PLANS FOR PSYCHOLOGICAL AND OPTOMETRIC SERVICES**

"Any person who is covered by a policy, contract, or certificate of group insurance or of a group hospital plan including but not limited to coverage issued by a company operating under Chapter 20, Insurance Code, as amended, and whose policy, contract, or certificate provides for services or partial or total reimbursement for services that are within the scope of practice of a licensed psychologist or a licensed optometrist, is entitled to obtain these services or receive reimbursement for these services regardless of whether the services are performed by a licensed doctor of medicine, a licensed psychologist, or a licensed optometrist. This article applies to all policies, contracts, and certificates issued, renewed, modified, altered, amended, or reissued on or after the effective date of this article."

The amendment was read.

Senator Creighton raised the Point of Order that the amendment was not germane to the bill.

The President sustained the Point of Order.

The bill was passed to third reading.

**HOUSE BILL 360 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Kothmann, Lombardino, Longoria, Mauzy, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Farabee, Harris, Jones of Taylor, Mengden.

Absent: McKnight.

Absent-excused: Jones of Harris.

The President then laid the bill before the Senate on its third reading and final passage.



The bill was read third time and was passed.

#### **HOUSE BILL 1046 ON SECOND READING**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1046**, A bill to be entitled An Act relating to workmen's compensation for employees of The Texas A&M University System; amending Sections 13, 14, and 15 of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 1046 ON THIRD READING**

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1046** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McKnight.

Absent-excused: Jones of Harris.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **MOTION TO PLACE HOUSE BILL 992 ON SECOND READING**

Senator Mauzy moved to suspend the regular order of business to take up for consideration at this time:

**H.B. 992**, A bill to be entitled An Act relating to wrongful death actions; amending Articles 4671, 4673, 4675, and 4677, Revised Civil Statutes of Texas, 1925, as amended.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 13.

Yeas: Braecklein, Brooks, Clower, Doggett, Kothmann, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Truan, Williams.

Nays: Adams, Aikin, Andujar, Creighton, Farabee, Hance, Harris, Jones of Taylor, Lombardino, Patman, Sherman, Snelson, Traeger.

Absent: McKnight.

Absent-excused: Jones of Harris.

**HOUSE BILL 1883 ON SECOND READING**

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 1883**, A bill to be entitled An Act relating to the interest rate on certain loans for oil and gas purposes; adding Subsection (c) to Article 1.07, Title 79, Revised Civil Statutes of Texas, 1925, as added (Article 5069-1.07, Vernon's Texas Civil Statutes).

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **H.B. 1883** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Clower, Doggett, Mauzy, Patman, Sherman, Snelson.

Absent: McKnight.

Absent-excused: Jones of Harris.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Adams offered the following amendment to the bill:

Amend **H.B. 1883** by striking the following language at line 17 page 1 "limited partnership formed pursuant to the Uniform Limited Partnership Act of the State of Texas" and substitute therefor the following "person"

The amendment was read and was adopted.

**RECORD OF VOTES**

Senators Patman, Sherman, Doggett and Hance asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**RECORD OF VOTES**

Senators Doggett, Patman, Mauzy, Schwartz, Truan and Snelson asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**MOTION TO PLACE HOUSE BILL 1883 ON THIRD READING**

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1883** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of Members present): Yeas 23, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Traeger, Truan, Williams.

Nays: Doggett, Mauzy, Patman, Schwartz, Sherman, Snelson.

Absent: McKnight.

Absent-excused: Jones of Harris.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 1156 ON SECOND READING**

Senator Moore moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 1156**, To amend the life, accident, health and hospital service insurance guaranty act (Article 21.28-D, Vernon's Annotated Civil Statutes) by deleting subsection (4) of Section 13 thereof relating to disclosure of the protection afforded by the Act in the sale of insurance; and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 13.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Kothmann, Lombardino, Longoria, Moore, Parker, Santiesteban, Schwartz, Sherman, Traeger.

Nays: Adams, Creighton, Farabee, Harris, Jones of Taylor, Mauzy, Meier, Mengden, Ogg, Patman, Snelson, Truan, Williams.

Absent: McKnight.

Absent-excused: Jones of Harris.

**MEMORIAL RESOLUTIONS**

**S.R. 707** - by Snelson: Memorial resolution for Mrs. Marion Ellis.

**S.R. 709** - by Snelson: Memorial resolution for W. B. (Blackie) McNerlin.

**S.R. 710** - by Snelson: Memorial resolution for Roy A. Whiteside.

**S.R. 711** - by Snelson: Memorial resolution for Lester D. Lohmann.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 704** - by Lombardino: Extending congratulations to Officers Lucille Franckowiak, Phillip E. Jefferson, Mike Gomez, Tom Connally, and Jackie Wright.

**S.R. 705** - by Doggett: Extending welcome to Reverend Bob Kash.

**S.R. 706** - by Longoria: Extending congratulations to Connie Cantu.

**S.R. 712** - by Clower: Extending congratulations to Stacy Lynn Walker.

**S.R. 713** - by Aikin: Extending welcome to Mr. and Mrs. E. L. Gilley.

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 3:47 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX****Sent to Governor**

(May 19, 1977)

**S.C.R. 102**

**S.B. 432**

**S.B. 499**

**SEVENTY-SECOND DAY**

(Friday, May 20, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Jack Heacock, First United Methodist Church, Austin, Texas, offered the invocation as follows: